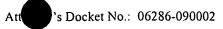
Applicant: Christian FR

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<u>REMARKS</u>

Claims 39 and 40 are pending in this application. Applicants have cancelled claims 1 to 38, and added claims 39 and 40. New claims 39 and 40 are directed to compositions that include antibacterial agents identified by the recited methods. The recited methods are similar to claims 1 and 2 as allowed in application serial number 09/163,445. Support for the new claims can be found throughout the specification, specifically at page 5, lines 8 to 17, and page 8, lines 1 to 8. Amendments to the specification were made to conform the specification to the drawings and sequence listing submitted herewith. Thus, the amendments add no new matter.

The amendments also replace the original figures with formal drawings. Figures 1 and 2 have been amended. Original Figure 1 incorrectly depicts the Streptococcus pneumoniae yneS polypeptide and gene as SEO ID NOs: 2 and 1, respectively. New Figure 1 correctly depicts the polypeptide and gene as SEQ ID NOs: 1 and 2, respectively. Original Figure 2 incorrectly depicts the *Bacillus subtilus* yneS polypeptide and gene as SEQ ID NOs: 4 and 3, respectively. New Figure 2 correctly depicts the polypeptide and gene as SEQ ID NOs: 3 and 4, respectively. These errors would be immediately apparent to one of skill in the art because the correct SEQ ID NOs were used for each sequence throughout the specification as originally filed. Thus, the correction merely transposes the SEQ ID NOs and introduces no new matter.

Applicants hereby submit enclosures that fulfill the requirements under 37 C.F.R. §1.821-1.825. The Sequence Listing adds no new matter under C.F.R. §1.821(g).

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Attached is a marked-up version of the changes being made by the current amendment. Applicant asks that all claims be examined and allowed. Please apply any excess charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 06286-090002.

Respectfully submitted,

Date: Followy 5, 2002

Reg. No. 32,983

s Docket No.: 06286-090002

Fish & Richardson P.C. 225 Franklin Street Boston, Massachusetts 02110-2804

Telephone: (617) 542-5070 Facsimile: (617) 542-8906

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Applicant : Christian FR

Atto.

3's Docket No.: 06286-090002

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Version with Markings to Show Changes Made

In the specification:

The paragraph at page 1, lines 5 to 7, immediately after "Cross Reference to Related Application," has been amended as follows:

--This application is a divisional of application serial number 09/163,445 filed September 30, 1998, which claims priority under 35 U.S.C. § 119 from U.S. Serial No. 60/070,116, filed December 31, 1997, which are incorporated herein by reference in their entirety.--

The paragraphs at page 11, lines 2 to 9, immediately after "Brief Description of the Drawings), have been amended as follows:

--Fig. 1 is a listing of the amino acid and nucleic acid sequences of a yneS polypeptide and gene from a *Streptococcus pneumoniae* strain (SEQ ID NOs:1 and 2, respectively). The complement of the nucleic acid sequence is set forth as SEQ ID NO: 11.

Fig. 2 is a listing of the full-length amino acid and nucleic acid sequences of a yneS polypeptide and gene from a *B. subtilis* strain (SEQ ID NOs:3 and 4, respectively). The complement of the nucleic acid sequence is set forth as SEQ ID NO: 12.--

In the claims:

Claims 1 to 38 have been cancelled.

Claims 39 and 40 have been added.

In the Drawings:

Figs. 1 and 2 have been amended as indicated in red on the attached copies.

	4	·	
	12 20 2		
EG	ID no: N	ATGATTACAATAGTTTTATTÄATCCTAGCCTATCTGCTTGGTTCGATTCCATCTGGTTCTTGGACTGGACAAGTATTCTTTCAAATCAATC	100
FA	10 NO:11	THE TABLE TABLE TABLE CONTRACT TO A TABLE A A STATE OF THE STATE OF TH	100
	10 NO: Z1		
	10.00.7	MITIVELILAYLLGSIPSGLHIGQVFFQINLREH	34
	-1-		
	101	ATGGTTCTGGTAACACTGCAAGGAAGA	
		ATGGTTCTGGTAACACTGGAACGACCAACACTTCCGCATTTTAGGTAAGAAAGCTGGTATGGCAACCTTTGTGATTGACTTTTTCAAAGGAACCCTAGC TACCAAGACCATTGTGACCTTGCTGGTTGTGGAAGGCGTAAATCCATTCTTTCGACCATACCGTTGGAAACACTAACTGAAAAGTTTCCTTGGGATCG	200
	35	G S G N T G T T N T F R I L G K K A G M A T F V I D F F K G T L A	67
	•		
	201	AACGCTGCTTCCGATTATTTTTCATCTACAAGGCGTTTCTCCTCTCATCTTTGGACTTTTGGC.VTTTATCGGCCATACCTTCCCTATCTTTGCAGGATTT	
		TTGCGACGAAGGCTAATAAAAGTAGATGTTCCGCAAAGAGGAGAGTAGAAACCTGAAAACCGACAATAGCCGGTATGGAAGGGATAGAAACGTCCTAAA	300
	c'o	·	
	68	T L L P I I P H L Q G V S P L I F G L L A V I G H T P P I F A G F	100
	301	AAAGGTGGTAAGGCTGTCGCAACCAGTGCTGGAGTGATTTTCGGATTTGCGCCTATCTTCTGTCTCTACCTTGCGATTATCTTCTTTGGAGCTCTCTATC	400
		TTTCCACCATTCCGACAGCGTTGGTCACGACCTCACTAAAAGCCTAAACGCGGATAGAAGACAGAGATGGAACGCTAATAGAAGAAACCTCGAGAGATAG	
	101	K G G K A V A T S A G V I F G F A P I P C Y L A I I F F G A L Y L	
		The state of the s	134
			÷
	401		
	401	TTGGCAGTATGATTTCACTGTCACAGGCATCGATTGGGGCTGTTATCGGGGTTCTGCTCTTTCCACTTTTGGGTTTATCCTGAGTAACTATGA AACCGTCATACTAAAGTGACAGATCACAGTGTGGTAACTAAC	500
		THE PROPERTY OF THE PROPERTY O	. •
	135	G S M I S L S S V T A S I A A V I G V L L P P L P G P I L S M V D	167
			••
	501	CTCTCTCTTCATCGCTATTATCTTAGCACTTGCTAGTTTGATTATCATTCGTCATAAGGACAATATAGCTCGTATCAAAAATAAAACTGAAATTTGGTC	
		GAGAGAGAGTAGCGATAATAGAATCGTGAACGATCAAACTAATAGTAAGCAGTATTCCTGTTATATCGAGCATAGTTTTTATTTTTGACCTTTTTAAACCAG	600
	168	S L FI A I I L A L A S L I I I R H K D N I A R I K N K T E N L V	200
	601	CCTTGGGGATTGAACCTAACCCATCAAGATCCTAAAAATAA 642	
		GGAACCCCTAACTTGGATTGGGTAGTTCTAGGATTTTTATT	

213

Fig. 2

BACSU_ymes

EQ IDNO: 8 1 TO ID NO: 12 TO ID NO: 41 1	ATGITANTIGCTITATTGATTATTITIGGCCTACTTGATAGGCAGCATTCCATCTGGCTTAATTGTGGGCAAGCTTGCCAAAGGAATTGATATTCGGGAGCTACAATTAACGAAATAACACCGGATGAACTAATCAACCGATGAACTAACCACCGATGAACCAATTAACACCCGATGAACGAAC	100
101	ACGGAAGCGGCAACTTAGGCGCTACCAATGCATTCCGTACATTGGGTGTAAAGCTGGTTCGGTCGTCATAGCCGGAGATATTTTGAAAGGGACACTGGC TGCCTTCGCCGTTGAATCCGCGATGGTTACGTAAGGCATGTAACCCACATTTTCGACCAAGCCAGCAGTATCGGCCTCTATAAACTTTCCCTGTGACCG	200
35	G _S G N L G A T N A F R T L G V K A G S V V I A G D I L K G T L A	67
201	AACTGCATTGCCTTTTCTCATGCATGTTGATATTCACCCGCTTCTTGCAGGAGTCTTTGCGGTTTTAGGCCACGTGTTTCCCCATCTTCGCCAAATTTAAA TTGACGTAACGGAAAAGAGTACGTACAACTATAAGTGGGCGAAGAACGTCCTCAGAAACGCCAAAATCCGGTGCACAAAGGGTAGAAGCGG;:"TAAATTT	300
68	TALPFLMHVDIHPLLAGVFAVLGHVFPIFAKFK	100
301	GGCGGTAAAGCCGTGGCGACATCAGGAGGCGTTTTGCTATTTTACGCACCCCTGTTATTTAT	400
101	G G K A V A T S G G V L L F Y A P L L F I T M V A V F F I F L Y L T	134
401	CTANATTIGITTICTCTCTCATCGATGTTAACAGGGATCTATACTGTTATATAGTTTCTTTGTCCATGATACGTATTTATT	500
135	K F V S L S S M L T G I Y T V I Y S F F V H D T Y L L I V V T L L	•267
501	CACTATTTTTGTGATATACAGACACCGAGCGAACATTAAACGAATTATCAATAAACAGAACCTAAAGTAAAATGGTTATAA 582 GTGATAAAAACACTATATGTCTGTGGCTCGCTTGTAATTTGCTTAATAGTTATTTTGTCTTGGATTTCATTTTACCAATATT	